

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ROBERT PAYNE and STEVE
BARTILUCCI,

Plaintiffs,

v.

MENU FOODS, INC., a New Jersey
corporation, PETCO ANIMAL
SUPPLIES, INC., a Delaware
corporation, SAFEWAY, INC., a
Delaware corporation, THE PROCTOR
& GAMBLE COMPANY, a Ohio
corporation, and DOES 1 through 50,
inclusive,

Defendants.

Civil No.07CV0705 JAH(CAB)

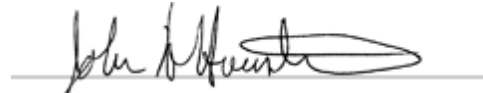
**ORDER GRANTING DEFENDANT
MENU FOODS, INC.'S MOTION
TO STAY [DOC. # 6]**

Defendant Menu Foods, Inc. filed a motion seeking a stay of all proceedings pending a decision by the Judicial Panel on Multidistrict Litigation ("MDL Panel") on transfer pursuant to 28 U.S.C. § 1407 and class certification pursuant to Federal Rule of Civil Procedure 23(d)(1). Defendants Petco Animal Supplies and the Proctor & Gamble Company joined in the motion. Although plaintiff failed to file an opposition to the motion within the time frame permitted for filing such pleadings, plaintiff filed, on June 1, 2007, an objection to the motion on the grounds that a stay pending class certification could last "months even years," thereby prejudicing plaintiff. *See* Doc. # 36 at 3. In response to the objection, defendant Menu Foods, Inc. agreed to withdraw its request to

1 stay pending class certification but requests a stay pending only a decision on transfer by
2 the MDL Panel. Doc. # 39.

3 This Court finds it appropriate to grant defendant Menu Foods, Inc.'s stay request
4 but only until the MDL Panel renders a decision on transfer. Accordingly, IT IS HEREBY
5 ORDERED that defendant Menu Foods, Inc.'s motion to stay proceedings is **GRANTED**
6 and the instant case is STAYED for sixty (60) days from the date this Order is filed or
7 until the MDL Panel issues a decision on plaintiff's transfer request. Should no decision
8 be reached within the sixty day period, plaintiff shall file a status report with this Court
9 **no later than ten (10) days prior to the expiration of the sixty day period** advising
10 the Court of the status of the transfer proceedings.

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12 Dated: June 8, 2007

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14 HON. JOHN A. HOUSTON
15 United States District Judge
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